

State of Arizona
House of Representatives
Forty-fifth Legislature
First Regular Session
2001

CHAPTER 223

HOUSE BILL 2001

AN ACT

AMENDING SECTION 8-526, ARIZONA REVISED STATUTES; AMENDING TITLE 13, CHAPTER 36, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-3623.01; RELATING TO FAMILY OFFENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 8-526, Arizona Revised Statutes, is amended to
3 read:

4 8-526. Child welfare; reporting requirements

5 A. The department shall compile the following information on
6 a semiannual basis ending March 31 and September 30 of each year:

7 1. The total number of reports received, by major category and by
8 priority. The report shall include a description of some of those incoming
9 communications determined not to meet the criteria of a report as chosen by
10 a random sample.

11 2. The number of reports not responded to, by priority, by county and
12 statewide. The report shall include a description of some of these cases as
13 chosen by random sample.

14 3. The number of reports responded to by priority and by major
15 category, by county and statewide.

16 4. The number of reports with a substantiated finding after
17 investigation, by priority, by county and statewide, that resulted in:

18 (a) The case being closed after an investigation.

19 (b) In-home services being provided after an investigation.

20 (c) Out-of-home services being provided after an investigation.

21 5. THE NUMBER OF NEWBORN INFANTS DELIVERED TO SAFE HAVEN PROVIDERS
22 PURSUANT TO SECTION 13-3623.01.

23 ~~5.~~ 6. The number of direct client service positions that are vacant
24 at the end of the reporting period.

25 ~~6.~~ 7. The number and percentage of children who have remained in a
26 shelter or receiving home for more than twenty-one consecutive days, by the
27 child's age group.

28 ~~7.~~ 8. The number and type of licensed foster homes and the number of
29 licensed and available spaces in those homes.

30 ~~8.~~ 9. The number and type of licensed foster homes that leave the
31 foster care system and the reason for the exit.

32 ~~9.~~ 10. The number of licensed foster homes that receive the required
33 visitation by case managers pursuant to section 8-516.

34 ~~10.~~ 11. The number of children placed in the care, custody and control
35 of the department at the end of the reporting period and the number of these
36 children who receive the required visitation by case managers pursuant to
37 section 8-516.

38 ~~11.~~ 12. The number and percentage of children who are in the care,
39 custody and control of the department at the end of the reporting period and
40 who are in out-of-home placement and as categorized by:

41 (a) Age.

42 (b) Ethnicity.

43 (c) Case plan goal.

44 (d) Type of out-of-home placement.

1 (e) Length of time in out-of-home placement of less than thirty days,
2 thirty-one days to twelve consecutive months, twelve to twenty-four
3 consecutive months and more than twenty-four consecutive months.

4 ~~12.~~ 13. If the case plan is to return the child to the parent, the
5 percentage of parents who receive the required contact by case managers.

6 ~~13.~~ 14. The number and percentage of children who left the custody of
7 the department during the reporting period by reason for leaving care and as
8 categorized by:

9 (a) Age.

10 (b) Ethnicity.

11 (c) Number of placements.

12 (d) Average length of time in care.

13 ~~14.~~ 15. The number and percentage of children with a case plan goal
14 of adoption and who are not placed in an adoptive home at the end of the
15 reporting period and as categorized by:

16 (a) Age.

17 (b) Ethnicity.

18 (c) Average length of time in care.

19 (d) Legal status.

20 ~~15.~~ 16. The number and percentage of children with a case plan goal
21 of adoption and who are placed in an adoptive home at the end of the
22 reporting period and as categorized by:

23 (a) Age.

24 (b) Ethnicity.

25 (c) Average length of time in out-of-home placement.

26 (d) Length of time from change of case plan goal to adoptive
27 placement.

28 (e) Legal status.

29 ~~16.~~ 17. The number of children whose adoptions were finalized during
30 the reporting period and as categorized by:

31 (a) Average length of time in out-of-home placement before adoptive
32 placement.

33 (b) Average length of time in adoptive placement before the final
34 order of adoption.

35 B. Within three months after the end of each reporting period the
36 department shall submit a written report in as brief a format as possible to
37 the governor, the president of the senate, the speaker of the house of
38 representatives, the chairperson of the house human services committee, the
39 chairperson of the senate family services committee, or their successor
40 committees, and the cochairpersons of the joint legislative committee on
41 children and family services. The department shall submit a copy of the
42 report to the secretary of state and the director of the Arizona state
43 library, archives and public records.

1 Sec. 2. Title 13, chapter 36, Arizona Revised Statutes, is amended by
2 adding section 13-3623.01, to read:

3 13-3623.01. Safe haven for newborn infants; definitions

4 A. A PERSON IS NOT GUILTY OF ABUSE OF A CHILD PURSUANT TO SECTION
5 13-3623, SUBSECTION B SOLELY FOR LEAVING AN UNHARMED NEWBORN INFANT WITH A
6 SAFE HAVEN PROVIDER.

7 B. IF A PARENT OR AGENT OF A PARENT VOLUNTARILY DELIVERS THE PARENT'S
8 NEWBORN INFANT TO A SAFE HAVEN PROVIDER, THE SAFE HAVEN PROVIDER SHALL TAKE
9 CUSTODY OF THE NEWBORN INFANT IF BOTH OF THE FOLLOWING ARE TRUE:

10 1. THE PARENT DID NOT EXPRESS AN INTENT TO RETURN FOR THE NEWBORN
11 INFANT.

12 2. THE SAFE HAVEN PROVIDER REASONABLY BELIEVES THAT THE CHILD IS A
13 NEWBORN INFANT.

14 C. THE SAFE HAVEN PROVIDER SHALL REPORT RECEIPT OF A NEWBORN INFANT
15 TO CHILD PROTECTIVE SERVICES OF THE DEPARTMENT OF ECONOMIC SECURITY AS SOON
16 AS PRACTICABLE AFTER TAKING CUSTODY OF THE NEWBORN INFANT. CHILD PROTECTIVE
17 SERVICES SHALL INCLUDE THE NUMBER OF NEWBORN INFANTS DELIVERED TO SAFE HAVEN
18 PROVIDERS PURSUANT TO SECTION 8-526.

19 D. A PARENT OR AGENT OF A PARENT WHO LEAVES A NEWBORN INFANT WITH A
20 SAFE HAVEN PROVIDER MAY REMAIN ANONYMOUS, AND THE SAFE HAVEN PROVIDER SHALL
21 NOT REQUIRE THE PARENT OR AGENT TO ANSWER ANY QUESTIONS. A SAFE HAVEN
22 PROVIDER SHALL OFFER WRITTEN INFORMATION ABOUT INFORMATION AND REFERRAL
23 ORGANIZATIONS.

24 E. A SAFE HAVEN PROVIDER WHO RECEIVES A NEWBORN INFANT PURSUANT TO
25 THIS SECTION IS NOT LIABLE FOR ANY CIVIL OR OTHER DAMAGES FOR ANY ACT OR
26 OMISSION BY THE SAFE HAVEN PROVIDER IN MAINTAINING CUSTODY OF THE NEWBORN
27 INFANT IF THE SAFE HAVEN PROVIDER ACTS IN GOOD FAITH WITHOUT GROSS
28 NEGLIGENCE.

29 F. THIS SECTION DOES NOT PRECLUDE THE PROSECUTION OF THE PERSON FOR
30 ANY OFFENSE BASED ON ANY ACT NOT COVERED BY THIS SECTION.

31 G. FOR THE PURPOSES OF THIS SECTION:

32 1. "NEWBORN INFANT" MEANS AN INFANT WHO IS SEVENTY-TWO HOURS OLD OR
33 YOUNGER.

34 2. "SAFE HAVEN PROVIDER" MEANS ANY OF THE FOLLOWING:

35 (a) A FIREFIGHTER WHO IS ON DUTY.

36 (b) AN EMERGENCY MEDICAL TECHNICIAN WHO IS ON DUTY.

37 (c) A STAFF MEMBER AT A HEALTH CARE INSTITUTION THAT IS CLASSIFIED BY
38 THE DEPARTMENT OF HEALTH SERVICES PURSUANT TO SECTION 36-405 AS A HOSPITAL
39 OR AN OUTPATIENT TREATMENT CENTER.

40 (d) A STAFF MEMBER AT ANY OF THE FOLLOWING THAT POSTS A PUBLIC NOTICE
41 THAT IT IS WILLING TO ACCEPT A NEWBORN INFANT PURSUANT TO THIS SECTION:

42 (i) A PRIVATE CHILD WELFARE AGENCY LICENSED PURSUANT TO TITLE 8,
43 CHAPTER 5, ARTICLE 1.

44 (ii) AN ADOPTION AGENCY LICENSED PURSUANT TO SECTION 8-126.

1 (iii) A CHURCH. FOR PURPOSES OF THIS ITEM, "CHURCH" MEANS A BUILDING
2 THAT IS ERECTED OR CONVERTED FOR USE AS A CHURCH, WHERE SERVICES ARE
3 REGULARLY CONVENED, THAT IS USED PRIMARILY FOR RELIGIOUS WORSHIP AND
4 SCHOOLING AND THAT A REASONABLE PERSON WOULD CONCLUDE IS A CHURCH BY REASON
5 OF DESIGN, SIGNS OR ARCHITECTURAL OR OTHER FEATURES.

APPROVED BY THE GOVERNOR APRIL 23, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 24, 2001.

Passed the House February 19, 2001,

by the following vote: 39 Ayes,

19 Nays, 2 Not Voting


Speaker of the House

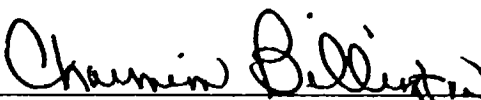

Chief Clerk of the House

Passed the Senate April 10, 2001,

by the following vote: 19 Ayes,

10 Nays, 1 Not Voting


President of the Senate


Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

H.B. 2001

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this _____ day of _____, 20____,

at _____ o'clock _____ M.

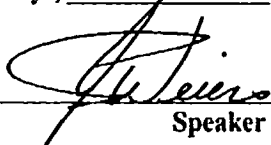
Secretary of State

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

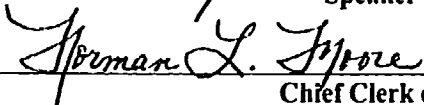
April 17, 2001,

by the following vote: 32 Ayes,

18 Nays, 10 Not Voting



Speaker of the House



Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

17 day of April, 2001,

at 11:06 o'clock A M.



Secretary to the Governor

Approved this 23 day of

April, 2001,

at 5:25 o'clock P M.



Governor of Arizona

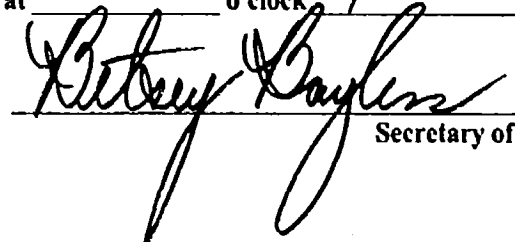
H.B. 2001

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 24 day of April, 2001,

at 4:50 o'clock P M.



Secretary of State